



**Statement of the  
National Conference of State Legislatures  
Before the  
Task Force on Drug Importation**

**Presented by  
The Honorable John A. Hurson  
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Delegate, Maryland House of Delegates**

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Surgeon General Carmona and distinguished Task Force members:

My name is John A. Hurson. I am Vice President of the National Conference of State Legislatures (NCSL) and I chair the Health and Government Operations Committee in the Maryland House of Delegates. The work of this task force is extremely important. I appreciate the opportunity to share a few thoughts with you today.

I am speaking to you today on behalf of NCSL. The conference does not have a policy position on drug reimportation, but legislatures across this nation have been keenly interested in drug reimportation. During the 2004 legislative sessions, which are still ongoing in some states, 21 states considered bills or resolutions regarding drug reimportation. Laws or resolutions were enacted in two states and the District of Columbia. This activity, though substantial, understates the level of interest within legislative bodies across the nation.

Enacted Laws and Resolutions:

- District of Columbia (Rx Access Act of 2003) - Directs the Department to , “investigate purchases from outside the United States.”
- Vermont (Non-binding resolution) – Urges the governor to establish a drug Reimportation program for the state.
- West Virginia (Pharmaceutical Availability and Affordability Act) – Directs the state to, “explore the feasibility of using or referencing, the federal supply schedule or Canadian pricing.”

Prescription drugs play an integral role in the delivery of quality health care today. This is true regardless of age, regardless of income, regardless of work status and regardless of where you live. Our constituents are finding it increasingly difficult to afford the medications prescribed by their physicians and they look to us for answers. We are also searching for answers, but are coming up short. As you know, state legislatures have experienced and continue to experience unprecedented budget challenges. While we apply band aids and patches, as we can afford them, our constituents are finding answers across the borders. The genie is out of the bottle. Our constituents are going to Canada, Mexico and the internet in search of affordable prescription drugs. Unfortunately, we have little to offer as alternatives.

The “just say no” message regarding drug reimportation is not resonating with the public. Many of our constituents, generally law abiding citizens, are crossing the border to obtain their prescription drugs. They are concerned about “breaking the law,” but are equally concerned about going without needed medications. We are concerned about the “criminalization” of drug reimportation and the effect it may have on individuals with limited options. The current federal policy on drug reimportation is confusing at best. State legislators would find it helpful if the Food and Drug Administration (FDA) would clarify its “personal use” policy and how that policy is enforced. If there are messages

beyond “just say no” that we can communicate to our constituents who chose to obtain their prescriptions through reimportation, that may improve the safety of the activity, please share them.

I think it is fair to say that drug reimportation is not the goal. Affordable, accessible, prescription drugs is the goal. Drug reimportation is merely the means to that end for some people. NCSL shares your concerns about safety and quality. We are particularly concerned about creating a policy that would encourage seniors and others with lower or fixed incomes to purchase prescription drugs in a way that may ultimately risk their health and safety.

That is why the work of this task force is so critical. This task force must fully examine all the issues regarding drug reimportation, and identify the costs, the benefits and the liabilities. Then this task force must be prepared to lay out its findings in a clear and concise way so that policymakers can use this information to make the important decisions regarding the role of drug reimportation in our future.

Ultimately if it is determined that drug reimportation is not the right approach, I hope Congress will make it a priority to explore ways to: (1) increase the number of individuals with health insurance, thereby increasing access to prescription drug coverage; and (2) increase the affordability prescription drugs.

I wish you success in this important endeavor. If the National Conference of State Legislatures can be of assistance to you in any way, please contact me.

I thank you for this opportunity to speak to you today and will be happy to answer any questions you may have.